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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/919,555	07/31/2001	Herbert F. Cattell	10010326-2	4382

22878 7590 12/09/2008

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EXAMINER

FORMAN, BETTY J

ART UNIT	PAPER NUMBER
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1634

NOTIFICATION DATE	DELIVERY MODE
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12/09/2008

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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IPOPS.LEGAL@agilent.com

Office Action Summary

Application No.

09/919,555

Applicant(s)

CATTELL ET AL.

Examiner

BJ Forman

Art Unit

1634

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 1 October 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-16 and 45-54 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-16 and 45-54 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 10/08.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

FINAL ACTION

Status of the Claims

1. This action is in response to papers filed 1 October 2008 in which claims 1-2, 10, 47-48 were amended. The amendments have been thoroughly reviewed and entered. The previous rejections in the Office Action dated 2 July 2008 are withdrawn in view of the amendments. Applicant's arguments have been thoroughly reviewed but are deemed moot in view of the amendments, withdrawn rejections and new grounds for rejection. New grounds for rejection, necessitated by the amendments, are discussed.

Claims 1-2, 4-16, 45-54 are under prosecution.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-2, 4-6, 10-13, 47-51 are rejected under 35 U.S.C. 102(e) as being anticipated by Osborne et al (U.S. Patent No. 7,062,076, filed 28 August 2000).

Regarding Claims 1-2, 4-5, 10-12, 47-50, Osborne discloses a method comprising fabricating an addressable array of biopolymers (Column 11, lines 9-17),

Art Unit: 1634

saving in memory data comprising instructions on reading the array (e.g. initiate scan and processing, Column 11, lines 37-50; Column 17, lines 60-67; and Column 19), shipping the array (Column 20, lines 23-25) and forwarding identifier-associated the array (Column 19, lines 40-48) and at user station, retrieving array related data associated with the identifier from the central fabrication station and automatically selecting one or more algorithms for data processing and processing the data to obtain a result e.g. diagnosis (Column 7, line 50-Column 8, line 67).

Regarding Claim 6, 13, 51, Osborne et al further teach the method wherein the memory is a database and the method retrieves array related data from the memory and communicating data to remote locations in response to communication of identifiers (Fig. 1).

4. Claims 1-2, 4-6, 10-13, 47-51 are rejected under 35 U.S.C. 102(e) as being by Craford et al (WO 01/56216, filed 25 January 2000).

Regarding Claims 1-2, 4-5, 10-12, 47-50, Craford et al disclose a method comprising fabricating an addressable array of biopolymers (page 13, line 34-page 14, line 27), saving in memory data comprising instructions on reading the array (database server, #510, Fig. 5), shipping the array (page 51, lines 12-18) and forwarding identifier-associated the array (#520, Fig. 5 and 8) and at user station, retrieving array related data associated with the identifier from the central fabrication station and automatically

selecting one or more algorithms for data processing and processing the data to obtain a result e.g. diagnosis (#520/530, Fig.5).

Regarding Claim 6, 13, 51, Craford et al disclose the method wherein the memory is a database and the method retrieves array related data from the memory and communicating data to remote locations in response to communication of identifiers (Fig. 5).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-2, 4-16, 47-54 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zeleny et al (U.S. Patent No. 6,215,894, filed 26 February 1999) in view of Ellison et al (U.S. Patent Application Publication No. 2002/0086319A1, filed 13 November 2000) and Osborne et al (U.S. Patent No. 7,062,076, filed 28 August 2000).

Regarding Claims 1, 2, 10, 47 and 48, Zeleny et al teach a method of producing and using an addressable array comprising fabricating an addressable array of probes by depositing the probes onto different regions of a substrate, saving in a memory array-related data (i.e. identifier) and in a processing unit of a user station, reading the

identifier, automatically selecting protocols for processing the array (Column 2, lines 29-44; Column 3; and Fig. 3-4). Zeleny et al teach the method further comprising reading the array according to the retrieved information to obtain data and processing that data (steps 60, 64, 66, 68, 70, Fig. 4 and Columns 3-4).

Zeleny et al do not specifically teach shipping the fabricated array and forwarding the array related data to a remote location. However, shipping arrays to end users was well known in the art at the time the claimed invention was made as taught by Ellison et al. Ellison et al teach a similar method for generating an addressable array of chemical moieties comprising depositing moieties onto different regions of the substrate, saving in a memory array related data and shipping the array and forwarding the array related data to a remote location i.e. to shipping address contained in the machine readable information (§ 8). It would have been obvious to one of ordinary skill in the art at the time the claimed invention was made to apply the shipping of Ellison et al to the arrays of Zeleny et al and based on the location of the end user, ship the arrays to the end user for the obvious benefits of shipping e.g. commercial production and delivery of a desired product.

Zeleny and Ellison do not teach use of a communication system whereby an array identifier is communicated from a central fabrication station to the user who retrieves processes the communication to thereby obtain a result. However, Osborne teaches the communication system wherein the system is automated to provide real time, dynamic decision making and interpretation of information from the user (Abstract). It would have been obvious to one of ordinary skill in the art at the time the

claimed invention was made to apply the communication system of Osborne to the methods of Zeleny and Ellison. One of ordinary skill in the art would have been motivated to do so with a reasonable expectation of success and for the benefit of obtaining real time, dynamic decision making and interpretation of information from the user as desired in the art (Osborne, Abstract).

Regarding Claims 4-5, 11-12, 49-50, Zeleny et al teach the method wherein the probes are biopolymers (Abstract) and Ellison teaches the biopolymers are DNA (§ 40-43).

Regarding Claims 6, 13, 51, Zeleny et al teach the method wherein the memory is a database and the method retrieves data from the memory and communicates the data to the user (i.e. scanner, Column 3, Fig. 3-4).

Regarding Claims 7-8, 52-53, Zeleny et al teach the method wherein the memory is a portable storage medium e.g. (barcode) which is transported with the array for scanning (Column 3).

Regarding Claims 9, 54, Zeleny et al teach the method wherein the substrate has applied thereto array related data e.g. identifier (Column 3) but they do not teach the identification code comprises a communication address. However, Ellison et al teach the similar method of generating an array wherein the array has applied thereto identification code including a communication address from with the identity map will be communicated i.e. customer (§ 8) wherein the address on the substrate identifies customer and/or billing information. It would have been obvious to one of ordinary skill in the art at the time the claimed invention was made to include the communication

address as taught by Ellison et al in the identification code on the substrate of Zeleny et al to thereby identify customer via the address as taught by Ellison et al (§ 8).

Regarding Claim 14, Zeleny do not teach shipping the portable storage mediums to multiple remote locations. However, shipping arrays to end users was well known in the art at the time the claimed invention was made as taught by Ellison et al. Ellison et al teach a similar method for generating an addressable array of chemical moieties comprising depositing moieties onto different regions of the substrate, saving in a memory array related data and shipping the array and forwarding the array related data to a remote location i.e. to shipping address contained in the machine readable information (§ 8). It would have been obvious to one of ordinary skill in the art at the time the claimed invention was made to apply the shipping of Ellison et al to the arrays of Zeleny et al and, based on the location of the end user, ship the arrays to the end user for the obvious benefits of shipping e.g. convenience and availability.

Regarding Claims 16-15, Zeleny does not teach that shipping the arrays to the same location from which the biopolymers used to construct the array were received. However, Ellison et al teach the similar method of generating an array wherein the array has applied thereto identification code including a communication address from with the identity map will be communicated i.e. customer (§ 8) wherein the address on the substrate identifies customer and/or billing information. It would have been obvious to one of ordinary skill in the art at the time the claimed invention was made to include the communication address as taught by Ellison et al in the identification code on the substrate of Zeleny et al to thereby identify customer proving the array samples via the

address as taught by Ellison et al (¶ 8) for the obvious benefits of maintaining correct correlations between the customer and the array.

Regarding Claim 46-47, Zeleny et al teach that the control probes are useful for calibrating and adjusting the scanner thereby facilitating scanning (Column 3, lines 19-25). It would have been obvious to one of ordinary skill in the art at the time the claimed invention was made to including data as to whether a control probe is present desired by Zeleny et al (Column 3, lines 19-25).

7. Claims 1, 2, 4-16 and 47-54 are rejected under 35 U.S.C. 103(a) as being unpatentable over Perttunen et al (U.S. Patent No. 5,968,728, issued 19 October 1999) in view of Ellison et al (U.S. Patent Application Publication No. 2002/0086319A1, filed 13 November 2000) and Osborne et al (U.S. Patent No. 7,062,076, filed 28 August 2000).

Regarding Claim 1 and 47, Perttunen et al teach a method of generating an addressable array of chemical moieties on a substrate comprising: depositing the moieties onto different regions of the substrate so as to fabricate the array; before the array has been exposed to a sample, saving in a memory array related data said data comprising instructions for reading the array or instruction of processing the array (Column 3, lines 54-67) wherein the array and array related data is utilized by an end user (Column 8, lines 38-41 and Column 9, lines 63-Column 10, lines 2) which clearly suggests that the array is sent from the place of origin but they do not specifically teach

shipping the fabricated array and forwarding the array related data to a remote location. However, shipping arrays to end users was well known in the art at the time the claimed invention was made as taught by Ellison et al. Ellison et al teach a similar method for generating an addressable array of chemical moieties comprising depositing moieties onto different regions of the substrate, saving in a memory array related data and shipping the array and forwarding the array related data to a remote location i.e. to shipping address contained in the machine readable information (§ 8). It would have been obvious to one of ordinary skill in the art at the time the claimed invention was made to apply the shipping of Ellison et al to the arrays of Perttunen et al and, based on the location of the end user, ship the arrays to the end user for the obvious benefits of shipping e.g. convenience and availability.

Perttunen et al further teach that the user, at a user location retrieve array related data (e.g. mapping) and selects machine readable algorithms (e.g. instructions) (Column 3, lines 45-67 and Fig. 2) for reading and processing by user (Column 5, lines 7-20 and Column 7, line 40-Column 8, line 67).

Perttunen and Ellison do not teach use of a communication system whereby an array identifier is communicated from a central fabrication station to the user who retrieves processes the communication to thereby obtain a result. However, Osborne teaches the communication system wherein the system is automated to provide real time, dynamic decision making and interpretation of information from the user (Abstract). It would have been obvious to one of ordinary skill in the art at the time the claimed invention was made to apply the communication system of Osborne to the

methods of Perttunen and Ellison. One of ordinary skill in the art would have been motivated to do so with a reasonable expectation of success and for the benefit of obtaining real time, dynamic decision making and interpretation of information from the user as desired in the art (Osborne, Abstract).

Regarding Claim 2 and 48, Perttunen et al teach a method of generating an addressable array of chemical moieties on a substrate comprising: depositing the moieties onto different regions of the substrate so as to fabricate the array; before the array has been exposed to a sample, saving in a memory array related data said data comprising instructions for reading the array or instruction of processing the array (Column 3, lines 54-67) wherein the array related data is saved in association with an identifier i.e. id code; wherein the identifier is associated with the array by applying the identifier to the substrate or housing carrying the substrate (Column 4, line 61-Column 5, line 7 and Fig. 10-12) (Column 7, line 40-Column 8, line 62, Fig. 10, # 112 & 114, Fig. 11, # 132 & 136 and Fig. 12, # 146) wherein the array and array related data is utilized by an end user (Column 8, lines 38-41 and Column 9, lines 63-Column 10, lines 2) which clearly suggests that the array is sent from the place of origin but they do not specifically teach shipping the fabricated array and forwarding the array related data to a remote location. However, shipping arrays to end users was well known in the art at the time the claimed invention was made as taught by Ellison et al. Ellison et al teach a similar method for generating an addressable array of chemical moieties comprising depositing moieties onto different regions of the substrate, saving in a memory array related data and shipping the array and forwarding the array related data to a remote

location i.e. to shipping address contained in the machine readable information (¶ 8). It would have been obvious to one of ordinary skill in the art at the time the claimed invention was made to apply the shipping of Ellison et al to the arrays of Perttunen et al and, based on the location of the end user, ship the arrays to the end user for the obvious benefits of shipping e.g. convenience and availability.

Perttunen et al further teach that the user, at a user location retrieve array related data (e.g. mapping) and selects machine readable algorithms (e.g. instructions) (Column 3, lines 45-67 and Fig. 2) for reading and processing by user (Column 5, lines 7-20 and Column 7, line 40-Column 8, line 67).

Regarding Claim 4 and 49, Perttunen et al teach the method wherein the chemical moieties are biopolymers (Column 4, lines 13-26).

Regarding Claim 5 and 50, Perttunen et al teach the method wherein the biopolymers are DNA (Column 4, lines 13-26).

Regarding Claim 6 and 51, Perttunen et al teach the method wherein the memory is a database and the method additionally comprises retrieving the array related data from the memory and communicating the retrieved data to a remote location in response to receiving a communication of the identifier from the remote location (Column 8, lines 38-54).

Regarding Claim 7 and 52, Perttunen et al teach the method wherein the memory comprises a portable storage medium e.g. bar code, the method further comprising shipping the portable medium to a remote location to the end user (Column

7, line 40-Column 8, line 62, Fig. 10, # 112 & 114, Fig. 11, # 132 & 136 and Fig. 12, # 146).

Regarding Claim 8 and 53, Perttunen et al teach the method wherein the portable storage medium is shipped to the same remote location as the array i.e. user (Column 8, lines 35-42).

Regarding Claim 9 and 54, Perttunen et al teach the method wherein the substrate has applied thereto array related data e.g. identification code (Column 8, lines 1-19) but they do not teach the identification code comprises a communication address. However, Ellison et al teach the similar method of generating an array wherein the array has applied thereto identification code including a communication address from with the identity map will be communicated i.e. customer (§ 8) wherein the address on the substrate identifies customer and/or billing information. It would have been obvious to one of ordinary skill in the art at the time the claimed invention was made to include the communication address as taught by Ellison et al in the identification code on the substrate of Perttunen et al to thereby identify customer via the address as taught by Ellison et al (§ 8).

Regarding Claim 10, Perttunen et al teach a method of generating, at a central fabrication station, an addressable array of chemical moieties on a substrate comprising: depositing the moieties onto different regions of the substrate so as to fabricate the array; before the array has been exposed to a sample, saving in a memory array related data said data comprising instructions for reading the array or instruction of processing the array (Column 3, lines 54-67) wherein the array related data is saved

in association with an identifier i.e. id code; applying the identifier to the corresponding substrate or corresponding housing (Column 7, line 40-Column 8, line 62, Fig. 10, # 112 & 114, Fig. 11, # 132 & 136 and Fig. 12, # 146) wherein the array and array related data is utilized by an end user (Column 8, lines 38-41 and Column 9, lines 63-Column 10, lines 2) which clearly suggests that the array is sent from the place of origin but they do not specifically teach shipping the fabricated array and forwarding the array related data to a remote location. However, shipping arrays to end users was well known in the art at the time the claimed invention was made as taught by Ellison et al. Ellison et al teach a similar method for generating an addressable array of chemical moieties comprising depositing moieties onto different regions of the substrate, saving in a memory array related data and shipping the array and forwarding the array related data to a remote location i.e. to shipping address contained in the machine readable information (¶ 8). It would have been obvious to one of ordinary skill in the art at the time the claimed invention was made to apply the shipping of Ellison et al to the arrays of Perttunen et al and, based on the location of the end user, ship the arrays to the end user for the obvious benefits of shipping e.g. convenience and availability.

Perttunen et al further teach that the user, at a user location retrieve array related data (e.g. mapping) and selects machine readable algorithms (e.g. instructions) (Column 3, lines 45-67 and Fig. 2) for reading and processing by user (Column 5, lines 7-20 and Column 7, line 40-Column 8, line 67).

Regarding Claim 11, Perttunen et al teach the method wherein the chemical moieties are biopolymers (Column 4, lines 13-26).

Regarding Claim 12, Perttunen et al teach the method wherein the biopolymers are DNA (Column 4, lines 13-26).

Regarding Claim 13, Perttunen et al teach the method wherein the memory is a database the method additionally comprising retrieving the array related data for arrays from the memory and communicating the data to a remote location in response to receiving a communication of associated identifiers from the remote location Column 8, lines 38-54).

Regarding Claim 14, Perttunen et al teach the method wherein for each of the multiple array the corresponding identify map and associated identifier are saved on a memory comprising a portable computer readable storage medium wherein the array is used by an end user (Column 7, line 40-Column 8, line 62, Fig. 10, # 112 & 114, Fig. 11, # 132 & 136 and Fig. 12, # 146) but they do not specifically teach shipping the portable storage mediums to multiple remote locations. However, shipping arrays to end users was well known in the art at the time the claimed invention was made as taught by Ellison et al. Ellison et al teach a similar method for generating an addressable array of chemical moieties comprising depositing moieties onto different regions of the substrate, saving in a memory array related data and shipping the array and forwarding the array related data to a remote location i.e. to shipping address contained in the machine readable information (§ 8). It would have been obvious to one of ordinary skill in the art at the time the claimed invention was made to apply the shipping of Ellison et al to the arrays of Perttunen et al and, based on the location of the

end user, ship the arrays to the end user for the obvious benefits of shipping e.g. convenience and availability.

Regarding Claim 15, Perttunen et al teach the method wherein each of the portable storage mediums and the corresponding fabricated array are used by the at the same remote location i.e. end user from which the set of biopolymers used in fabricating the array was received (Column 7, line 40-Column 8, line 62).

Regarding Claim 16, Perttunen et al teach the method wherein each of the substrates comprise an identification code which identifies array related data e.g. identification code (Column 8, lines 1-19) but they do not teach the identification code comprises a communication address. However, Ellison et al teach the similar method of generating an array wherein the array has applied thereto identification code including a communication address from with the identity map will be communicated i.e. customer (¶ 8) wherein the address on the substrate identifies customer and/or billing information. It would have been obvious to one of ordinary skill in the art at the time the claimed invention was made to include the communication address as taught by Ellison et al in the identification code on the substrate of Perttunen et al to thereby identify customer proving the array samples via the address as taught by Ellison et al (¶ 8) for the obvious benefits of maintaining correct correlations between the customer and the array.

8. Claims 45-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Perttunen et al (U.S. Patent No. 5,968,728, issued 19 October 1999) in view of Ellison et al (U.S. Patent Application Publication No. 2002/0086319A1, filed 13 November 2000) and Osborne et al (U.S. Patent No. 7,062,076, filed 28 August 2000) as applied to Claims 1 and 2 above and further in view of Zeleny et al (U.S. Patent No. 6,215,894, filed 26 February 1999).

Regarding Claims 45 and 46, Perttunen et al teach a method of generating an addressable array of chemical moieties on a substrate comprising: depositing the moieties onto different regions of the substrate so as to fabricate the array; before the array has been exposed to a sample, saving in a memory array related data said data comprising instructions for reading the array or instruction of processing the array (Column 3, lines 54-67) wherein the array and array related data is utilized by an end user (Column 8, lines 38-41 and Column 9, lines 63-Column 10, lines 2) which clearly suggests that the array is sent from the place of origin but they do not specifically teach shipping the fabricated array and forwarding the array related data to a remote location. However, shipping arrays to end users was well known in the art at the time the claimed invention was made as taught by Ellison et al. Ellison et al teach a similar method for generating an addressable array of chemical moieties comprising depositing moieties onto different regions of the substrate, saving in a memory array related data and shipping the array and forwarding the array related data to a remote location i.e. to shipping address contained in the machine readable information (§ 8). It would have been obvious to one of ordinary skill in the art at the time the claimed invention was

made to apply the shipping of Ellison et al to the arrays of Perttunen et al and, based on the location of the end user, ship the arrays to the end user for the obvious benefits of shipping e.g. convenience and availability.

Perttunen et al teach the method wherein the array related data generates mappings of the array and directs operation of the scanning system (Column 3, lines 54-67) but they do not specifically teach that the data includes an indication as to whether a particular type of control probe is present on the array. However, control probes were well known in the art at the time the claimed invention was made as taught by Zeleny et al who teach that the control probes are useful for calibrating and adjusting the scanner thereby facilitating scanning (Column 3, lines 19-25). It would have been obvious to one of ordinary skill in the art at the time the claimed invention was made to modify the data of Perttunen et al by including data as to whether a control probe is present on the array for the expected benefit of adjusting and calibrating the scanner as taught by Zeleny et al (Column 3, lines 19-25).

Conclusion

9. No claim is allowed.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BJ Forman whose telephone number is (571) 272-0741. The examiner can normally be reached on 6:00 TO 3:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ram Shukla can be reached on (571) 272-0735. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1634

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

BJ Forman
Primary Examiner
Art Unit 1634

/BJ Forman/
Primary Examiner, Art Unit 1634